



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Charles R. Spies, Esq.
Clark Hill PLC
601 Pennsylvania Avenue, N.W.
North Building, Suite 1000
Washington, D.C. 20004

NOV 19 2015

RE: MUR 6535
Restore Our Future, Inc.


Dear Mr. Spies:

On November 12, 2015, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. §§ 30104(b) and 30116(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1530.

Sincerely,


Jin Lee
Attorney

Enclosure
Conciliation Agreement

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

MUR 6535

4)
5 Restore Our Future and)

6 Charles R. Spies in his official capacity as)

7 Treasurer)
8

9 **CONCILIATION AGREEMENT**

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11 This matter was generated by a complaint filed with the Federal Election Commission
12 ("Commission"). The Commission found reason to believe that Restore Our Future and Charles
13 R. Spies, in his official capacity as treasurer, (collectively "Respondents") violated 52 U.S.C.
14 §§ 30104(b) and 30116(a).

15 NOW, THEREFORE, the Commission and the Respondents, having participated in
16 informal methods of conciliation, prior to a finding of probable-cause to believe, do hereby agree
17 as follows:

18 I. The Commission has jurisdiction over the Respondents and the subject matter of this
19 proceeding, and this agreement has the effect of an agreement entered pursuant to 52
20 U.S.C. § 30109(a)(4)(A)(i).

21 II. Respondents have had a reasonable opportunity to demonstrate that no action should be
22 taken in this matter.

23 III. Respondents enter voluntarily into this agreement with the Commission.

24 IV. The pertinent facts in this matter are as follows:

25 **FACTUAL BACKGROUND**

26 1. Restore Our Future is an independent expenditure-only political committee
27 registered with the Commission. Charles R. Spies is the treasurer of Restore Our
28 Future.

2. Mitt Romney was a candidate for President of the United States in 2008 and 2012. Romney for President was Romney's authorized campaign committee for both of those election cycles.
3. In 2007, Romney for President paid to broadcast an advertisement entitled "The Search" that featured Romney's efforts in 1996 to help find the missing daughter of a Bain Capital colleague.
4. In 2012, Restore Our Future paid to broadcast a version of "The Search" that it entitled "Saved." The Saved advertisement contained different footage of New York City and Romney and different disclaimers, but was otherwise identical.

LAW

5. The Federal Election Campaign Act of 1971, as amended (the "Act") provides that "the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure." 52 U.S.C. § 30116(a)(7)(B)(iii).
6. Commission regulations provide that the republication of campaign materials "prepared by the candidate, the candidate's authorized committee, or an agent of either of the foregoing" is considered a contribution for purposes of contribution limitations and reporting responsibilities of the person making the expenditure. 11 C.F.R. § 109.23.
7. Respondents contend that they operated under the good faith belief that Mitt Romney as a candidate for president in 2008 was legally distinct from Romney as a candidate for president in 2012.

8. The Commission acknowledged in its Factual and Legal Analysis in this matter that "[t]his is a case of first impression, and Restore Our Future's reading of the regulation concerning the scope of the definition of 'candidate' was not unreasonable."

V. Solely for the purpose of settling this matter expeditiously and avoiding costly litigation, without admission with respect to any other proceeding, and with no finding of probable cause by the Commission, Respondents agree not to contest the Commission's conclusions, as stated herein, that:

1. Respondents made excessive in-kind contributions to Romney for President by republishing campaign materials prepared by Romney for President in violation of 52 U.S.C. § 30116(a).

2. Respondents failed to report the expenditures as contributions to Romney for President in violation of 52 U.S.C. § 30104(b).

VI. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifty thousand dollars (\$50,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from violating 52 U.S.C. §§ 30104 and 30116(a).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.


MUR 6535 (Restore Our Future)
Conciliation Agreement

1 VIII. This agreement shall become effective as of the date that all parties hereto have executed
2 the same and the Commission has approved the entire agreement.

3 IX. Except as otherwise provided, Respondents shall have no more than 30 days from the
4 date this agreement becomes effective to comply with and implement the requirements
5 contained in this agreement and to so notify the Commission.

6 X. This Conciliation Agreement constitutes the entire agreement between the parties on the
7 matters raised herein, and no other statement, promise, or agreement, either written or
8 oral, made by either party or by agents of either party, that is not contained in this written
9 agreement shall be enforceable.

10 FOR THE COMMISSION:

11 
12 _____
13 Kathleen Guith
14 Acting Associate General Counsel
15 for Enforcement
16

11-16-15

Date

17 FOR THE RESPONDENTS:

18 
19 _____
20 Restore Our Future
21
22

10/22/15

Date